

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Scotts EZ Seed Litigation

Civil Action No. 12-cv-04727-VB

**NOTICE OF MOTION FOR ATTORNEYS' FEES, COSTS, EXPENSES,
AND INCENTIVE AWARDS**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on December 19, 2018 at 9:30 a.m. before the Honorable Vincent L. Briccetti, United States District Judge for the Southern District of New York, 300 Quarropas Street, White Plains, New York 10601, Plaintiffs Michael Arcuri, David Browne, Gwen Eskinazi, Stacy Lonardo, Lance Moore, Vance Smith, and Nancy Thomas ("Plaintiffs"), by and through Class Counsel, will move and hereby does move for an order (1) approving the payment of attorneys' fees, costs, and expenses in the amount of \$9,700,000, (2) granting Plaintiffs incentive awards of \$10,000 each in recognition of their efforts on behalf of the class, and (3) awarding such other and further relief as the Court deems reasonable and just.

PLEASE TAKE FURTHER NOTICE that, in support of the motion, Plaintiffs will rely upon the accompanying memorandum of law in support, the Declarations of Michael Arcuri, David Browne, Gwen Eskinazi, Stacy Lonardo, Lance Moore, Vance Smith, and Nancy Thomas, the Declaration of Joseph I. Marchese, the Declaration of Timothy J. Peter, and the Declaration of Antonio Vozzolo, together with all of the exhibits annexed thereto.

Dated: October 5, 2018

Respectfully submitted,

BURSOR & FISHER, P.A.

By: /s/ Joseph I. Marchese
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Additional Counsel for Plaintiffs